

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

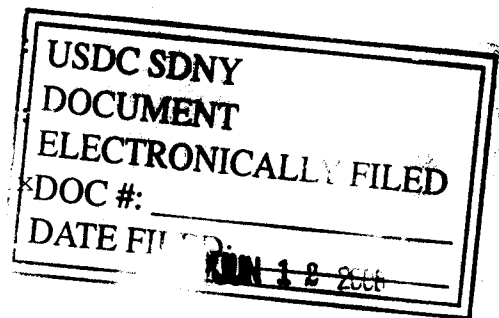
- v. -

FAUSTO ROBERTO VALDEZ-CRUQUI,
a/k/a "Tito,"
DIORYS ACOSTA-CABRAL,

Defendants.

: INDICTMENT

: S1 08 Cr. 442 (HB)



COUNT ONE

The Grand Jury charges:

1. From at least in or about mid-2003, up to and including on or about December 11, 2007, in the Southern District of New York and elsewhere, FAUSTO ROBERTO VALDEZ-CRUQUI, a/k/a "Tito," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FAUSTO ROBERTO VALDEZ-CRUQUI, a/k/a "Tito," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. On or about December 6, 2007, FAUSTO ROBERTO VALDEZ-CRUQUI, a/k/a "Tito," the defendant, spoke over the telephone about a drug deal involving approximately six kilograms of cocaine.

b. On or about December 11, 2007, FAUSTO ROBERTO VALDEZ-CRUQUI, a/k/a "Tito," the defendant, possessed approximately six kilograms of cocaine in the Bronx, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about December 11, 2007, in the Southern District of New York and elsewhere, FAUSTO ROBERTO VALDEZ-CRUQUI, a/k/a "Tito," the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, approximately six kilograms of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. From at least in or about the summer of 2003, up to and including in or about December 2007, in the Southern District of New York and elsewhere, DIORYS ACOSTA-CABRAL, the defendant, unlawfully, intentionally and knowingly did manage and control a place, as an owner, lessee, and occupant, and did rent, lease, profit from, and make available for use, with or without compensation, the place for the purpose of unlawfully storing distributing and using a controlled substance, to wit, ACOSTA-CABRAL rented and resided in an apartment in Bronx County, New York, and permitted cocaine to be delivered to, stored in and distributed from that apartment.

(Title 21, United States Code, Section 856(a)(2);
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

6. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, FAUSTO ROBERTO VALDEZ-CRUQUI, a/k/a "Tito," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One

and Two of this Indictment.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

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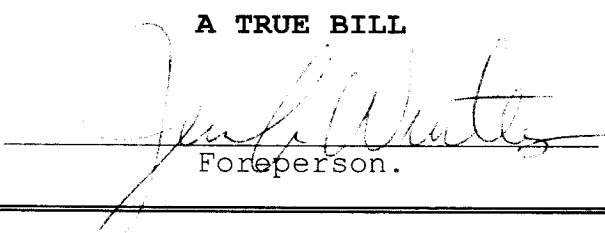
INDICTMENT

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(Title 21, United States Code,
Sections 812, 841(a)(1), 841(b)(1)(A), 846 and 856(a)(2);
Title 18, United States Code, Section 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

6/12/08
JL

SPENCER
INDICTMENT
FILED.